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January 25, 2002

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FROM

SENDER
Janice Crisp

EMAIL

JCrisp@Brobeck.com

TELEPHONE

(858) 720-2893

FAX

(858) 720-2555

MESSAGE

Re: U.S. Patent Application Serial No. 08/078,454
Filing Date: October 15, 2001

P R I V I L E G E D A N D C O N F I D E N T I A L

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FROM			
SENDER	EMAIL	TELEPHONE	FAX
Janice Crisp	JCrisp@Brobeck.com	(858) 720-2893	(858) 720-2555

MESSAGE

Re: U.S. Patent Application Serial No. 09/978,454
Filing Date: October 15, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Erion et al.

Serial No.: 09/978,454

Filed: October 15, 2001

For: NOVEL PRODRUGS FOR
PHOSPHORUS-CONTAINING
COMPOUNDS

)
) Group Art Unit: 1619

)
) Examiner: Not Yet Assigned

SECOND PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination please amend the above-captioned application as follows:

CERTIFICATE OF TRANSMISSION
(37 C.F.R. §1.8)

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In the Claims:

Please amend Claim 5 to appear as follows:

5. (Amended) The pharmaceutical composition of claim 2, wherein MH is selected from penciclovir, 3TC, ACV, PMPA, araC, ribavirin, fludarabine, and 5-fluoro-2'-deoxyuridine.

Please add the following new claim:

13. (New) The pharmaceutical composition of claim 6 wherein MH is 2'-deoxy-5-¹²⁵I-iodouridine.

REMARKS

Upon entry of this Second Preliminary Amendment, claims 2-13 will be pending. Claim 5 has been amended and new claim 13 has been added. Support for adding fludarabine to claim 5 can be found, for example, at page 39, lines 20 and 41. Support for new claim 13 can be found throughout the specification, for example, at page 42, lines 19-23. Therefore, no new matter has been added by reason of this amendment.

CONCLUSION

In view of the foregoing, Applicants believe that the entire application is in condition for allowance and such action is respectfully requested.

It is believed that no additional fee is due for filing this amendment. If, however, any fee should become due or credit become payable during the pendency of these proceedings, the Examiner is authorized to charge or credit the same to deposit account number 50-1273.

Respectfully submitted,

Erion et al.

Date: January 25, 2002

By: Jessica R. Wolff
Jessica R. Wolff
Reg. No. 37,261

Brobeck, Phleger & Harrison LLP
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VERSION WITH MARKINGS TO SHOW CHANGES

Claims 5 was amended as follows with the noted changes:

5. (Amended) The pharmaceutical composition of claim 2, wherein MH is selected from penciclovir, 3TC, ACV, PMPA, araC, ribavirin, fludarabine, and 5-fluoro-2'-deoxyuridine.

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